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December 29, 2011

OFFICIAL COMMENT

MaryAnn Stevens
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-45
Indianapolis, IN 46204-2251

RE: LSA Document #08-764 (Antidegradation)

Dear Ms. Stevens:

Thank you for the opportunity to comment on the *Development of the New Rules and Amendments to Rules Concerning Antidegradation Standards and Implementation Procedures* during the 3rd notice period. The Northwest Indiana Forum is a not-for-profit, regional economic development organization servicing members in Lake, Porter, LaPorte, Starke, Jasper and Pulaski counties. Our focus is the retention and creation of quality employment opportunities that sustain and enhance our environment and quality of life for the residents of Northwest Indiana. Protection of the environment while enhancing the region's global competitive position is the highest priority for our members.

The Northwest Indiana Forum endorses activities and rulemaking procedures that are supportive of protecting the environmental, economic and social justice components of the quality of life for our residents. In order to accomplish this, the Indiana Department of Environmental Management (IDEM) must position their regulatory processes to ensure permitting certainty. New, expanding and existing permitted facilities need to have a clear direction on what steps are necessary for them to comply with the rules and regulations of Indiana and the guarantee that technically and legally sound permits will be issued in a timely fashion. Without permitting certainty, plant expansions, new project opportunities and new jobs creation may be reduced.

In our role as an economic development organization, we strive to assist in the retention and expansion of sustainable quality jobs. Providing the Northwest Indiana workforce, including Indiana's college graduates, a broad spectrum of job opportunities and a consistently evident approach to continually improve the quality of life including a respected and protected environment are critical to the successful future of Northwest Indiana.

The following comments of support and concern have been received from the Forum membership for transmittal to IDEM:

- Antidegradation rules must be finalized in a manner that provides clear guidance on when the rules apply and what is required.



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- Public outreach and education is critical to permit issuance. To provide the citizens of Indiana the assurance of quality outreach and education, public venues whereby antidegradation is discussed should be managed in a consistent manner by the IDEM.
- Antidegradation Trigger mechanisms should be developed and implemented to only address situations when a permit application is requesting approval for a higher limit of a regulated parameter within an existing permit or a limit for a parameter new to the permit. It is imperative that Indiana be consistent with antidegradation rules previously approved by U.S. EPA to maintain national and global competition. Clarification within the rules will provide direction to permit applicants as new and/or expansion concepts are being developed.
- In instances where a permit applicant has performed a Variance Request, the rules should reflect that the Variance Request application satisfies the antidegradation demonstration requirements. Where the effect of a new or increased discharge on the environment is insignificant (i.e., is less than the de minimis threshold), there is no benefit to requiring the commitment of time and money by the public, the regulated community and government agencies. Requiring extensive review of insignificant or inconsequential discharges that clearly will remain below the water quality standards hinders industrial growth and expansion without offering any meaningful added protection to human health or the environment.
- Water quality improvement projects language needs clarification. Whereby it is appreciated that the proposed rule provides for a maximum dollar figure as a component to the guidance, it is necessary to provide further clarification to assist permittees as to the direction on how the IDEM will make a determination regarding the final cost of the required project.
- Baseline loading capacity as established in the proposed rule does not allow for IDEM to adjust this determination in response to a permanent reduction in discharges to a waterbody. The rule should be modified to grant IDEM the ability to adjust baseline loading capacity under such circumstances.

Thank you for the opportunity to provide you with our support and concern related to the proposed rule. The Northwest Indiana Forum members have appreciated the IDEM public outreach and educational efforts to date as all parties have worked diligently to finalize this issue.

Sincerely,

A handwritten signature in black ink that reads "Kay L. Nelson". The signature is written in a cursive style.

Kay L. Nelson
Director, Environmental Affairs
Northwest Indiana Forum

COPY: Mark T. Maassel, President/CEO Northwest Indiana Forum
Don Babcock, Chair, Northwest Indiana Forum Managing Board
Robert Crookston, Chair, Northwest Indiana Forum Environmental Committee